

AMENDED IN ASSEMBLY MARCH 18, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2698

Introduced by Assembly Member Weber

February 19, 2016

An act to ~~amend Section 52060~~ add Chapter 6.5 (commencing with Section 52080) to Part 28 of Division 4 of Title 2 of the Education Code, relating to school accountability.

LEGISLATIVE COUNSEL'S DIGEST

AB 2698, as amended, Weber. ~~Local control and accountability plans.~~ School accountability: school climate and restorative justice: assessments: professional development.

(1) Existing law establishes the Public Schools Accountability Act of 1999 to, among other things, ensure that each child in California receives a high-quality education consistent with all statewide content and performance standards, as specified.

This bill would, on or before September 1, 2017, require low-performing schools, as designated by the State Department of Education, to conduct a school climate assessment, as specified. The bill would require every assessed school to take steps to ensure that responses to school climate assessments remain anonymous and that no individual is identified. The bill would require these schools to publish the results of the assessment on their Internet Web sites, provided that personally identifiable information or information that can reasonably lead a reader to identify an individual is not shared. The bill would require the outcomes resulting from a school climate assessment to be shared through meaningful engagement and collaboration with pupils, parents, faculty, and staff to develop

corrective action recommendations that address the assessment outcomes and would require the recommendations to be incorporated and implemented by the school no later than one year after completion of the assessment, except as provided. By imposing additional duties on school officials, the bill would impose a state-mandated local program. The bill would require the Legislative Analyst, on or before January 1, 2022, to compile data of changes in pupil academic achievement levels at low-performing schools, including a breakdown by pupil ethnicity, and provide a report to the department, the Governor, and the appropriate legislative budget and policy committees.

(2) Existing law establishes various professional development and training programs for certificated employees of local educational agencies.

This bill would require the State Department of Education to oversee the establishment of specific professional development activities and workshops that result in professional development support programs and a network of trainers to expand restorative justice programs, pupil social and emotional support, trauma-informed practices, and cultural competency in regions of the state with identified low-performing schools, as specified. The bill would require the department to convene an advisory committee comprised of stakeholders and professionals who have participated in the development and expansion of these programs to assist in the professional development planning and implementation. The bill would require low-performing schools designated by the department to provide identified professional development programs on or before September 1, 2018. By imposing additional duties on school officials, the bill would impose a state-mandated local program. The bill would require the Legislative Analyst, on or before January 1, 2022, to compile data of the chronic absenteeism, suspension, expulsion, and dropout rates of the targeted schools and provide a report to the department, the Governor, and the appropriate legislative budget and policy committees, as specified.

(3) This bill would provide that its provisions shall not be implemented unless funding is provided for its purposes in the annual Budget Act or another enacted statute. The bill would also make legislative findings and declarations relating to its provisions.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

~~Existing law requires the governing board of each school district to adopt a local control and accountability plan using a template adopted by the State Board of Education.~~

~~This bill would make nonsubstantive changes to that provision.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

- 1 *SECTION 1. (a) It is the intent of the Legislature to improve*
- 2 *pupil academic outcomes at low-performing schools by improving*
- 3 *school climates to provide a strong foundation for academic*
- 4 *improvement efforts.*
- 5 *(b) The Legislature finds and declares all of the following*
- 6 *relating to school climate:*
- 7 *(1) A school's climate is a social justice issue, as the state loses*
- 8 *generations of pupils from poor and underserved communities*
- 9 *with few options but to enroll in low-performing schools.*
- 10 *(2) Over 20 years of research has confirmed that a positive*
- 11 *school climate is directly related to pupil academic achievement*
- 12 *and that school climate is the single most dominant predictor we*
- 13 *now have of pupil academic achievement levels.*
- 14 *(3) The United States Department of Education recommends*
- 15 *school climate reform as an evidence-based strategy to prevent*
- 16 *school violence.*
- 17 *(4) The federal Centers for Disease Control and Prevention*
- 18 *recommends school climate reform as a scientifically sound*
- 19 *strategy that promotes healthy relationships, school connectedness,*
- 20 *and pupil retention.*
- 21 *(5) The federal Institute of Education Sciences includes school*
- 22 *climate as a strategy for dropout prevention.*
- 23 *(6) Perceptions about school climate impact teacher morale*
- 24 *and pupil achievement. A positive school climate benefits pupils,*
- 25 *teachers, school administrators, school personnel, and parents;*
- 26 *teachers are motivated to teach and pupils are motivated to learn.*

1 (7) Without school climate assessments, educators and education
2 leaders lack a comprehensive understanding of the tools and steps
3 needed to address low pupil achievement levels, pupil dropout
4 rates, pupil suspensions, and pupil chronic absenteeism.

5 (8) School climate assessments are an effective data-driven
6 strategy that engage pupils, teachers, school administrators, school
7 personnel, and parents working together to create safe, supportive,
8 engaging, and successful schools.

9 (9) Positive school climates are stable over time absent any
10 systematic effort to change climate components.

11 (10) The meaningful input and perspectives of pupils, commonly
12 absent in school decisionmaking, are essential components of
13 school climate assessments to improve pupil emotional and social
14 well-being.

15 (11) No instances of successful turnaround schools, which are
16 schools that transformed low-performing, high-poverty schools
17 into high-performing schools, have been found that did not address
18 school climate.

19 (12) Factors affecting a school's climate that recognize the
20 social, emotional, and academic aspects of K–12 pupil learning
21 can be accurately measured and assessed.

22 (c) The Legislature finds and declares all of the following
23 regarding restorative justice:

24 (1) California K–12 schools issued more than half a million
25 suspensions in the 2013–14 school year, with pupils of color
26 disproportionately subjected to out-of-school suspensions.

27 (2) African American pupils are three times more likely to be
28 suspended than all other pupils, and studies show that pupils of
29 color are disciplined more harshly than other pupils, resulting in
30 serious, negative educational consequences.

31 (3) A recent UCLA study concluded that African American
32 pupils who are expelled from school have a 90-percent likelihood
33 of being placed in a state correctional institution.

34 (4) Exclusionary school removals cause a number of correlated
35 negative educational, economic, and social problems, including
36 school avoidance, an increased likelihood of dropping out, and
37 engagement with the juvenile justice system. This civil rights crisis
38 has come to be known as the school-to-prison pipeline.

1 (5) *The American Academy of Pediatrics has found that*
2 *suspension can increase stress and may predispose pupils to*
3 *antisocial behavior and suicidal ideation.*

4 (6) *Psychologists have found that disciplinary exclusion can*
5 *increase pupil shame, alienation, rejection, and the breaking of*
6 *healthy adult bonds, thereby exacerbating negative mental health*
7 *outcomes for young people.*

8 (7) *Restorative justice programs are a healing practice that*
9 *focus on repairing harm and preventing their recurrence.*

10 (8) *Restorative practice, which builds upon restorative justice,*
11 *is used to build a sense of school community and restore positive*
12 *relationships through the use of restorative circles where pupils*
13 *and educators work together to set academic goals, develop*
14 *classroom core values, and resolve conflicts.*

15 (9) *A 2011–14 study prepared for the United States Department*
16 *for Education’s Office for Civil Rights on restorative justice in the*
17 *Oakland Unified School District (OUSD) concluded that (A) the*
18 *discipline gap between white and African American pupils*
19 *decreased significantly for OUSD pupils who participated in*
20 *restorative justice programs, but remained unchanged for pupils*
21 *who did not participate in these programs, (B) that there was a*
22 *128-percent increase in the reading levels of 9th grade pupils at*
23 *OUSD schools with restorative justice programs, compared to an*
24 *11-percent increase in schools without such programs, and (C)*
25 *four-year graduation rates increased by 60 percent at OUSD*
26 *restorative justice schools compared to 7 percent for nonrestorative*
27 *justice schools.*

28 SEC. 2. *Chapter 6.5 (commencing with Section 52080) is added*
29 *to Part 28 of Division 4 of Title 2 of the Education Code, to read:*
30

31 CHAPTER 6.5. SCHOOL CLIMATE AND RESTORATIVE JUSTICE
32 ACT
33

34 52080. *This chapter shall be known, and may be cited, as the*
35 *School Climate and Restorative Justice Act.*

36 52081. (a) *The Legislature finds that a sustainable, positive*
37 *school climate fosters youth development; higher pupil*
38 *achievement; lower dropout, suspension, and absenteeism rates;*
39 *decreased incidences of violence; and increased teacher retention*

1 *and includes the following factors that directly impact K–12 pupils,*
2 *teachers, school administrators, school personnel, and parents:*

3 *(1) Whether pupils, educators, school administrators, school*
4 *personnel, and parents are engaged and respected.*

5 *(2) Whether individuals feel socially, emotionally, and physically*
6 *safe and whether relations and relationships with and among youth*
7 *are prioritized.*

8 *(3) Whether pupils, educators, school administrators, school*
9 *personnel, and parents work together to develop and contribute*
10 *to a shared school vision.*

11 *(4) Whether educators and school administrators, incorporating*
12 *the views of pupils, model and nurture attitudes that emphasize*
13 *the benefits and satisfaction gained from learning based on high*
14 *academic expectations.*

15 *(5) Whether each individual contributes to the operations and*
16 *climate of the school.*

17 *(6) Whether disciplinary practices are assessed and an effort*
18 *is made to utilize practices that promote positive interventions.*

19 *(7) Whether collaboration and cooperation replace a school*
20 *climate of confrontation and mistrust, and inclusiveness becomes*
21 *the norm.*

22 *(b) The Legislature finds that restorative justice programs and*
23 *practices foster all of the following:*

24 *(1) Positive relationships among pupils, educators, school*
25 *administrators, school personnel, and parents.*

26 *(2) A school community based on trust, respect, and inclusion.*

27 *(3) A reduction in pupil disciplinary actions, expulsions,*
28 *suspensions, and chronic absenteeism and the lowering of stress*
29 *and antisocial behavior.*

30 *(4) Improved mental health and pupil academic outcomes.*

31 *52082. For purposes of this chapter, the following terms have*
32 *the following meanings:*

33 *(a) (1) “Low-performing school” means a low-performing*
34 *school, as designated by the department, which shall incorporate*
35 *chronic absenteeism rates, suspension rates, expulsion rates, and*
36 *dropout rates in making its designations.*

37 *(2) A low-performing school could be a school operated by a*
38 *school district, a school operated by a county office of education,*
39 *or a charter school.*

1 (b) “School climate” means the quality, culture, and character
2 of school life, based on the patterns of pupils’, school personnel’s,
3 and parents’ school life perceptions and experiences, and reflects
4 a school’s norms, goals, values, expectations for behavior,
5 interpersonal relationships, teaching and learning practices, safety,
6 and organizational structures. School climate is a learning
7 environment created through the interaction of personal
8 relationships, physical setting, and psychological conditions.

9 (c) “School climate assessment” means an evaluation of a
10 school’s climate to assess existing school climate and culture to
11 inform school academic improvements, and that incorporates the
12 use of pupil, teacher, school administrator, school personnel, and
13 parent individual and group surveys, interviews, school data, and
14 direct observations.

15 (d) “Restorative justice” means a set of ethical principles and
16 practices grounded in the values of showing respect, taking
17 responsibility, and strengthening pupil relationships that prevent,
18 respond to, and repair harmful pupil behaviors, enabling school
19 personnel to intervene more effectively by increasing pupil support
20 without compromising accountability.

21 52083. (a) On or before September 1, 2017, low-performing
22 schools shall conduct a school climate assessment, consistent with
23 the provisions of this chapter.

24 (b) (1) Every assessed school shall take steps to ensure that
25 responses to school climate assessments remain anonymous and
26 that no individual is identified. These schools shall publish the
27 results of the assessment on their Internet Web sites, provided that
28 personally identifiable information or information that can
29 reasonably lead a reader to identify an individual shall not be
30 shared.

31 (2) Outcomes resulting from a school climate assessment shall
32 be shared through meaningful engagement and collaboration with
33 pupils, parents, faculty, and staff to develop corrective action
34 recommendations that address the assessment outcomes.

35 (A) The recommendations shall be incorporated and
36 implemented by the school no later than one year after completion
37 of the assessment.

38 (B) If the recommendations are not implemented, the school
39 shall provide a report to the department explaining its reasons for
40 not executing corrective actions.

1 (c) On or before January 1, 2022, the Legislative Analyst's
2 Office shall compile data of changes in pupil academic
3 achievement levels at low-performing schools, including a
4 breakdown by pupil ethnicity, and provide a report to the
5 department, the Governor, and the appropriate legislative budget
6 and policy committees.

7 52084. (a) (1) The department shall oversee the establishment
8 of specific professional development activities and workshops that
9 result in professional development support programs and a network
10 of trainers to expand restorative justice programs, pupil social
11 and emotional support, trauma-informed practices, and cultural
12 competency in regions of the state with identified low-performing
13 schools.

14 (2) The department shall convene an advisory committee
15 comprised of stakeholders and professionals who have participated
16 in the development and expansion of these programs to assist in
17 the professional development planning and implementation.

18 (3) Low-performing schools designated by the department shall
19 provide identified professional development programs on or before
20 September 1, 2018.

21 (b) In the development of these programs, the department shall
22 take into account the following:

23 (1) Linking research-based strategies with local control and
24 accountability plans and local control funding formula
25 apportionments, specifically with respect to school climate and
26 meaningful pupil engagement.

27 (2) Stipends for release time for school personnel attending
28 identified professional development programs.

29 (3) Collecting best practices of existing districtwide, countywide,
30 or charterwide programs and ensuring these best practices are
31 widely disseminated.

32 (4) Developing a network of educators who have effectively
33 implemented these best practices and can provide training to other
34 schools and school districts, county offices of education, and
35 charter schools.

36 (5) Developing evaluation tools to measure the effectiveness of
37 research-based strategies.

38 (c) On or before January 1, 2022, the Legislative Analyst's
39 Office shall compile data of the chronic absenteeism, suspension,
40 expulsion, and dropout rates of the targeted schools and provide

1 a report to the department, the Governor, and the appropriate
2 legislative budget and policy committees. The report shall also
3 compile a list of best practices used to accomplish improvements
4 in academic outcomes and a reduction in disciplinary actions.

5 52085. This chapter shall not be implemented unless funding
6 is provided for its purposes in the annual Budget Act or another
7 enacted statute.

8 SEC. 3. If the Commission on State Mandates determines that
9 this act contains costs mandated by the state, reimbursement to
10 local agencies and school districts for those costs shall be made
11 pursuant to Part 7 (commencing with Section 17500) of Division
12 4 of Title 2 of the Government Code.

13 SECTION 1. Section 52060 of the Education Code is amended
14 to read:

15 52060. (a) On or before July 1, 2014, the governing board of
16 each school district shall adopt a local control and accountability
17 plan using a template adopted by the state board.

18 (b) A local control and accountability plan adopted by the
19 governing board of a school district shall be effective for a period
20 of three years, and shall be updated on or before July 1 of each
21 year.

22 (c) A local control and accountability plan adopted by the
23 governing board of a school district shall include, for the school
24 district and each school within the school district, both of the
25 following:

26 (1) A description of the annual goals, for all pupils and each
27 subgroup of pupils identified pursuant to Section 52052, to be
28 achieved for each of the state priorities identified in subdivision
29 (d) and for any additional local priorities identified by the
30 governing board of the school district. For purposes of this article,
31 a subgroup of pupils identified pursuant to Section 52052 shall be
32 a numerically significant pupil subgroup as specified in paragraphs
33 (2) and (3) of subdivision (a) of Section 52052.

34 (2) A description of the specific actions the school district will
35 take during each year of the local control and accountability plan
36 to achieve the goals identified in paragraph (1), including the
37 enumeration of any specific actions necessary for that year to
38 correct any deficiencies in regard to the state priorities listed in
39 paragraph (1) of subdivision (d). The specific actions shall not

1 supersede the provisions of existing local collective bargaining
2 agreements within the jurisdiction of the school district.

3 (d) All of the following are state priorities:

4 (1) The degree to which the teachers of the school district are
5 appropriately assigned in accordance with Section 44258.9, and
6 fully credentialed in the subject areas, and, for the pupils they are
7 teaching, every pupil in the school district has sufficient access to
8 the standards-aligned instructional materials as determined pursuant
9 to Section 60119, and school facilities are maintained in good
10 repair, as defined in subdivision (d) of Section 17002.

11 (2) Implementation of the academic content and performance
12 standards adopted by the state board, including how the programs
13 and services will enable English learners to access the common
14 core academic content standards adopted pursuant to Section
15 60605.8 and the English language development standards adopted
16 pursuant to former Section 60811.3, as that section read on June
17 30, 2013, or Section 60811.4, for purposes of gaining academic
18 content knowledge and English language proficiency.

19 (3) Parental involvement, including efforts the school district
20 makes to seek parent input in making decisions for the school
21 district and each individual schoolsite, and including how the
22 school district will promote parental participation in programs for
23 unduplicated pupils and individuals with exceptional needs.

24 (4) Pupil achievement, as measured by all of the following, as
25 applicable:

26 (A) Statewide assessments administered pursuant to Article 4
27 (commencing with Section 60640) of Chapter 5 of Part 33 or any
28 subsequent assessment, as certified by the state board.

29 (B) The Academic Performance Index, as described in Section
30 52052.

31 (C) The percentage of pupils who have successfully completed
32 courses that satisfy the requirements for entrance to the University
33 of California and the California State University, or career technical
34 education sequences or programs of study that align with state
35 board-approved career technical education standards and
36 frameworks, including, but not limited to, those described in
37 subdivision (a) of Section 52302, subdivision (a) of Section
38 52372.5, or paragraph (2) of subdivision (c) of Section 54692.

39 (D) The percentage of English learner pupils who make progress
40 toward English proficiency as measured by the California English

1 ~~Language Development Test or any subsequent assessment of~~
2 ~~English proficiency, as certified by the state board.~~

3 ~~(E) The English learner reclassification rate.~~

4 ~~(F) The percentage of pupils who have passed an advanced~~
5 ~~placement examination with a score of 3 or higher.~~

6 ~~(G) The percentage of pupils who participate in, and demonstrate~~
7 ~~college preparedness pursuant to, the Early Assessment Program,~~
8 ~~as described in Chapter 6 (commencing with Section 99300) of~~
9 ~~Part 65 of Division 14 of Title 3, or any subsequent assessment of~~
10 ~~college preparedness.~~

11 ~~(5) Pupil engagement, as measured by all of the following, as~~
12 ~~applicable:~~

13 ~~(A) School attendance rates.~~

14 ~~(B) Chronic absenteeism rates.~~

15 ~~(C) Middle school dropout rates, as described in paragraph (3)~~
16 ~~of subdivision (a) of Section 52052.1.~~

17 ~~(D) High school graduation rates.~~

18 ~~(E) High school dropout rates.~~

19 ~~(6) School climate, as measured by all of the following, as~~
20 ~~applicable:~~

21 ~~(A) Pupil suspension rates.~~

22 ~~(B) Pupil expulsion rates.~~

23 ~~(C) Other local measures, including surveys of pupils, parents,~~
24 ~~and teachers on the sense of safety and school connectedness.~~

25 ~~(7) The extent to which pupils have access to, and are enrolled~~
26 ~~in, a broad course of study that includes all of the subject areas~~
27 ~~described in Section 51210 and subdivisions (a) to (i), inclusive,~~
28 ~~of Section 51220, as applicable, including the programs and~~
29 ~~services developed and provided to unduplicated pupils and~~
30 ~~individuals with exceptional needs, and the programs and services~~
31 ~~that are provided to benefit these pupils as a result of the funding~~
32 ~~received pursuant to Section 42238.02, as implemented by Section~~
33 ~~42238.03.~~

34 ~~(8) Pupil outcomes, if available, in the subject areas described~~
35 ~~in Section 51210 and subdivisions (a) to (i), inclusive, of Section~~
36 ~~51220, as applicable.~~

37 ~~(e) For purposes of the descriptions required by subdivision (c),~~
38 ~~the governing board of a school district may consider qualitative~~
39 ~~information, including, but not limited to, findings that result from~~
40 ~~school quality reviews conducted pursuant to subparagraph (J) of~~

- 1 paragraph (4) of subdivision (a) of Section 52052 or any other
2 reviews.
- 3 (f) To the extent practicable, data reported in a local control and
4 accountability plan shall be reported in a manner consistent with
5 how information is reported on a school accountability report card.
- 6 (g) The governing board of a school district shall consult with
7 teachers, principals, administrators, other school personnel, local
8 bargaining units of the school district, parents, and pupils in
9 developing a local control and accountability plan.
- 10 (h) A school district may identify local priorities, goals in regard
11 to the local priorities, and the method for measuring the school
12 district's progress toward achieving those goals.